

Remarks

The examiner requested restriction under 35 U.S.C. § 121 and § 372 to:

Group I, claims 14-18, drawn to a matrix and a composition.

Group II, claims 1-13, drawn to a method of making an adhesive or hydrophobic matrix.

The applicants respectfully traverse the election requirement as the Examiner has failed to demonstrate either of the criteria necessary for a proper restriction requirement. However, if the examiner should make this requirement final, the applicants provisionally elect to prosecute Group II, claims 1-13, with traverse, at this time.

The Examiner states that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features. The Examiner argues that the common technical feature is the adhesive or hydrophobic matrix and that feature is not novel as evidenced by U.S. Patent No. 5,114,707 to Cyprien et al. The Examiner further argues that Cyprien et al. disclose adhesive or hydrophobic matrices containing therapeutically effective iodine compounds (i.e. drugs) and silicone polyethers. The Examiner concludes that the matrix of Group I is not a contribution over the art and is not a special feature as defined under PCT Rule 13.2, Part I(b) and thus the Groups do not share a common special technical feature and are subject to restriction.

Cyprien et al teaches a curable composition that contains iodine and a curable silicone composition. The curable composition contains a diorganopolysiloxane oil. The Examiner argues that formula (I) is a silicone polyether. Applicant is unclear how formula (I) is a silicone polyether. In Cyprien R is a monovalent hydrocarbon radical and Y is a hydrolyzable or condensable group. A polyether does not fit the definition of Y or R. Applicant requests that the Examiner provide clarification on how formula (I) is a silicone polyether or remove the instant unity of invention/restriction requirement.

This reply is being submitted within the period for response to the outstanding office action. Although the applicants believe in good faith that no extensions of time are needed, the applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,
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